

OGC HAS REVIEWED.

The Agency may not pay the cost of returning an employee to his place of residence when, after his completed home leave and reassignment to a departmental position, he subsequently resigns.

TO EE/ADMINISTRATION

1. You have requested our opinion as to whether the payment of Mr. D's travel expenses from his place of residence to headquarters and return may be authorized, in view of his impending resignation.

2. The facts submitted indicate that Mr. D, together with his family, was returned to the United States for leave and reassignment in accordance with Area Division Travel Order dated 8 November 1954 which read: "S-, A-- to Washington, D. C. 5 days TDY; to N-, Washington 6 weeks home leave; to Washington, D. C. PCS"; that upon reporting into headquarters D was advised that he might better utilize his leave time in securing employment elsewhere, inasmuch as his reassignment within the Agency was doubtful; that upon completion of leave, D returned to headquarters on 22 November and after further consultation decided to resign; and that by amendment, dated 29 November, the original travel order was modified by the addition of "and resignation to N-, Washington".

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3. On the basis of the provisions of [] par. 5, which authorize, upon completion of an overseas assignment, the payment of an employee's travel expenses to his place of residence and thence to his post of duty, and in view of the fact that D perfected his PCS assignment prior to the amendment of 29 November, we believe that payment of his travel expenses from N-, Washington (his place of residence) to Washington, D. C. (his post of duty) may be authorized. We think differently, however, with respect to the travel expenses he may incur in returning to N-, Washington, subsequent to his resignation here at headquarters.

4. It is well established that in the absence of specific legislative authority an employee may not be furnished transportation from his place of duty to his residence. The reason being that such travel cannot be deemed to be related to official business. In this connection see 16 Comp. Gen. 64. We think that this rule also precludes the payment of D's return travel to his residence upon resignation, since it is manifest that such travel would in no wise be related to official business.

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6. In connection with the general matter of granting leave in the United States upon completion of a tour abroad, we invite attention to the provisions of par. 5-c of [redacted] which indicate that such leave should not be authorized in the absence of there being a reasonable expectation that the employee will continue in the service of the Agency. 25X1A

7. The papers are returned.



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LAWRENCE R. HOUSTON
General Counsel

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